IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2012 DEC 28 PM 12: 24
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ____ DEPUTY

HOLLY VILLARREAL, individually and on behalf of others similarly situated,
Plaintiff,

-vs- **Case No. A-12-CA-243-SS**

SOURCE REFRIGERATION & HVAC, INC.,
Defendant.

O R D E R

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and specifically Plaintiff Holly Villarreal's Emergency Motion to Compel Responses to Plaintiff's Discovery Requests [#20]. Having considered the documents, the file as a whole, and the governing law, the Court now issue the following opinion and orders, granting the motion in part.

Given that (1) the deposition of Howie Wagner is scheduled for January 10, 2012, (2) Wagner was apparently Villarreal's manager, and also the person who prepared the discovery responses supplied so far in this case, (3) the largely boilerplate nature of the objections contained in the responses to date, and (4) the unexcused delay by Defendant's counsel in supplementing discovery, the Court grants the motion in part, as to those interrogatories and requests for discovery Plaintiff represents Defendant has agreed to supplement. However, the Court denies without prejudice the motion as to those requests for production Defendant has not yet agreed to: they are mainly addressed to identifying potential class members, which is premature at this stage, and also such information is unlikely to be relevant to Wagner's deposition. Accordingly, IT IS ORDERED that Plaintiff Holly Villarreal's Emergency Motion to Compel Responses to Plaintiff's Discovery Requests [#20] is GRANTED;

IT IS FURTHER ORDERED that Defendant Source Refrigeration & HVAC, Inc., is hereby compelled, in accordance with its previous agreement with Plaintiff, to respond to Plaintiffs' Requests For Production 31, 32, 33, 40, 47, 49, 53, 55, 56, 59, 60, 68, 69, 77, and Plaintiff's Interrogatories 2, 3, 4, 5, 11, 13, 14, subject to any legitimate, specific objections regarding individual pieces of information, as evidenced in a suitable privilege log or other reviewable record;

IT IS FURTHER ORDERED that the scope of the compelled discovery shall be limited to a period beginning three years prior to the filing of this lawsuit, to the present;

IT IS FINALLY ORDERED that Defendant shall supply the foregoing information by **January 8, 2010**, and that failure to do so shall result in sanctions: specifically, Defendant shall be required to pay for the deposition of Howie Wagner, and also for any supplemental deposition of Wagner, should one be necessary.

SIGNED this the 28th day of December 2012.

SAM SPARKS
UNITED STATES DISTRICT JUDGE